

BOARD OF APPEALS CASE NO. 5096

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BEFORE THE

APPLICANT: Ashley, Inc.

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ZONING HEARING EXAMINER

**REQUEST: Modification of Special Exception
approval to construct a new building;
800 Tydings Lane, Havre de Grace**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 11/8/00 & 11/15/00

HEARING DATE: December 18, 2000

Record: 11/10/00 & 11/17/00

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Ashley, Inc., is seeking a modification and expansion of a Special Exception use pursuant to Section 267-52B and C of the Harford County Code, including the final site plan approved in Board of Appeals Case 3686 and as modified by Case 4250.

The subject parcel is located at 800 Tydings Lane, Havre de Grace, Maryland and is more particularly identified on Tax Map 59, Grid E1 to F1, Parcel 6,9 and 11. The parcel consists of 43.480 acres, is zoned AG/Agricultural, and is entirely within the Sixth Election District.

Mr. Leonard Dahl appeared and testified that he is the CEO of Ashley, Inc., a clergyman and hospital administrator. Mr. Dahl indicated that Ashley, Inc. has operated an alcohol rehabilitation and treatment facility at this location since 1983. The facility treats patients recovering from addiction. They have limited space and are seeking permission to erect a new addition to be known as Abraham Hall. The building will be used primarily as a lecture hall but will include a gift shop and display room. Currently, lectures are held in a below ground room that is small and lacks ventilation and has no windows. Mr. Dahl did not think the present room was an appropriate treatment setting and was somewhat depressing. Beside the addition of the building and because of loss of parking area, traffic will be re-routed on site to more efficiently and safely travel about the campus. No additional patients or staff will result from the erection of Abraham Hall. Lastly, Mr. Dahl stated that he did not think the new building would be visible from any other property.

Case No. 5096 – Ashley, Inc.

Mr. Paul Edmeades appeared and qualified as an expert architect. He reiterated much of the testimony of Mr. Dahl and added that the existing road will be widened somewhat, allowing for 2-way ingress/egress at the property entrance. Mr. Edmeades described the new site plan and traffic pattern and stated that safety was a big factor in designing the traffic patterns and the resulting proposal is very pedestrian friendly.

Mr. Mickey Cornelius appeared and qualified as an expert traffic engineer. Mr. Cornelius reviewed traffic counts and admitted that these counts were somewhat irrelevant in that the proposed facility will not add or subtract any vehicular ingress or egress to the site.

Mr. William Monk appeared and qualified as a Land Use expert. Mr. Monk first testified that the proposed structure is consistent with good planning practices. Additionally, the proposed building and existing use are consistent with other uses found in the AG zone and no adverse impact would result from construction and use of Abraham Hall. The buildings are isolated and oriented to the water side of the property as far away as possible from neighboring properties. In the opinion of Mr. Monk, the proposed structure merely repositions existing uses.

Mr. Anthony McClune appeared on behalf of the Department of Planning and Zoning. Mr. McClune stated that the Department supports the Application and finds that there will be virtually no impact from construction of the proposed structure. Mr. McClune reviewed the Limitations, Guides and Standards set forth in Harford County Code Section 267-11 and found that there was no impact in reference to any of these provisions of the Code resulting from the construction and proposed use of Abraham Hall. The Department recommends approval of the subject Application.

Mr. Griffith Davis appeared in opposition to the request. Mr. Davis is an adjoining property owner and is concerned with the amount of traffic on Oakington Road and the narrowness of the driveway entering the property. Mr. Davis also expressed concern that there were insufficient pull over areas reducing passable space on the driveway.

CONCLUSION:

The Applicant is seeking a modification and expansion of a special exception use pursuant to Section 267-52B and C of the Harford County Code which provide:

- B. A special exception grant or approval shall be limited to the final site plan approved by the Board. Any substantial modification to the approved site plan shall require further Board approval.**
- C. Extension of any use or activity permitted as a special exception shall require further Board approval.**

Based on the testimony of the Applicant's expert witnesses, the Hearing Examiner concludes as follows:

- 1. The construction and proposed use of Abraham Hall will not result in any intensification of use on the site.**
- 2. The building will not be visible from neighboring properties and will not result in any adverse impact to neighboring properties.**
- 3. The proposed structure and use is consistent with similar facilities found in AG districts.**
- 4. There are no traffic impacts associated with the proposed structure or use.**

The Hearing Examiner, therefore, recommends approval of the application, subject to the following conditions:

- 1. The Applicant obtain all necessary permits and inspections**
- 2. The Applicant submit a revised final site to the Department of Planning and Zoning.**

Date JANUARY 17, 2001

**William F. Casey
Zoning Hearing Examiner**